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A STATEMENT OF FACTS AND FIGURES

SHOWING HOW THE PROCESS-SERVING ATTORNEYS, UNDER THE GUISE OF MAKING SERVICES FOR *NOTHING*, AT THE *EXPENSE* OF THE ATTORNEYS THEMSELVES, TO SAVE COSTS TO THE LITIGANT AND KEEP DOWN THE DISBURSEMENTS OF THE SUIT, ROBBED BOTH THE SHERIFFS AND THE LITIGANTS.

—ALSO—

SHOWING HOW THE SAME PROCESS-SERVING ATTORNEYS UTILIZED THE SHERIFFS TO ROB THE LITIGANTS, FOR THEIR BENEFIT, BY CHARGING LARGE AND ILLEGAL FEES ON FI. FAS. OR WRITS OF EXECUTION.

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A STATEMENT of facts and figures showing how the Process-serving Attorneys, under the guise of making services for nothing, at the expense of the Attorneys themselves, to save costs to the litigant and keep down the disbursements of the suit, robbed both the Sheriffs and the litigants

—♦—**ALSO**—♦—

Showing how the same Process-serving Attorneys utilized the Sheriffs to rob the litigants, for their benefit, by charging large and illegal fees on Fi. Fas. or Writs of Execution.

The Government of Ontario, having, under the provisions of the Judicature Act, empowered the Judges of the Superior Courts to make and regulate the Sheriffs' tariff of fees, as well as to declare how and by whom all papers in legal proceedings issued out of the said Courts requiring a personal service shall be served, and as the serving of such papers by others than the Sheriffs is one of the most grievous wrongs practiced upon them and the public of which they complain, it is the Sheriff's duty to place all the evidence in their possession in support of their complaints of the wrongs practiced upon them and the public by the Process-serving Attorneys before the Judges, that they may therefrom be enabled the better to do that which is just and right to the public, the Sheriffs and Attorneys. With a view to that end, I beg to submit the following facts and figures, for the truth and correctness of which I am ready with proof.

On the evening of 10th of January, 1877, a motion was made by Donald Sinclair, Esq., M. P. P., for South Bruce, asking for a return of the number of Writs of Summons issued out of the Superior and County Courts during the preceding year, (1876), and also a return of the number of such Writs of Summons as were served by the Sheriffs. The Process-serving Attorneys, in the House and out of it, saw that if the motion carried it would disclose a practice discreditable to those who were engaged in it, as well as damaging to the Sheriffs and the public, as I shall prove before I have done. The Process-serving Attorneys in the House opposed the

motion vigorously, declaring: 1st, that if they made services they made them for *nothing!!!* and 2nd, that they made services to *keep down the disbursements of the suit, and save costs to the litigant!!!* The motion was dropped, and very shortly afterwards I was assailed through the columns of the press for having inspired the motion—which I do not deny. The first of these famous epistles appeared in the *Globe* of the 6th February, '77, over the signature "*A Practicing Lawyer.*" He says: "Now, I know, as a lawyer, that lawyers are in the habit of serving many papers, including Writs, and they do it for two reasons: first, *to expedite business*, (for if papers go into the Sheriffs' hands they are likely to remain there a long time), and secondly, *to decrease the disbursements of the suit*. Lawyers *cannot charge, and do not, for serving Writs or Subpœnas.*" I discovered that this self-styled "Practicing Lawyer" was no other than an old Puritan named Charlie Durand, who, I was told, had an office in a garret in a back street or lane in the neighbourhood of the Post Office in the City of Toronto, where, in addition to his duties of a "Practicing Lawyer," he also, as he tells us, served many papers, thus combining in himself the duties of a Practicing Lawyer and a Sheriff's Bailiff, but he denies his office is in a garret, he says it is lower down; well if it is he is not as near heaven as I hoped he was, but being lower down he will be much more accessible to his clients while he is with us, and nearer his home when he takes his departure. Notwithstanding all "*Practicing Lawyer's*" protestations that lawyers *cannot charge, and do not for serving Writs or Subpœnas*, I tell him I hold in my hands the receipted and taxed Bill of Costs in a cause in which he was Plaintiff's Attorney, served the Writ of Summons himself, with no mileage, and *charged and collected* \$3.50 more than his own legal fee. Had the Sheriff made the service, his fee would have been \$1.80, but the "*Practicing Lawyer*" took \$3.50, being within 10 cents of a sum equal to two Sheriffs' fees; he pocketed \$1.80 that belonged to the Sheriff, and a further sum of \$1.70 that belonged to the litigant and was wrongfully taken from him. Oh, Charlie, Charlie, repent in your lower office, and disgorge before you take your departure.

My next assailant was an old man named Francis Rye, of Barrie, to whom I give credit for having honestly fathered his letter over his own proper name "Alcoholic," as it is. His letter appeared in the *Globe* of the 16th February, 1877, just ten days after the publication of "Practicing Lawyer's" letter in the same paper. Mr. Rye discourses as follows: "I have never known a case of a solicitor charging his client with Sheriff's fees, or with a fee equal to what a Sheriff's fee would be for service of a Bill in Chancery or Writ of Summons where the Sheriff was not employed, and as to charging Sheriff's fees besides his own fees for the service—(*which would be a fraudulent charge*)—this, I need hardly say, is a practice entirely unknown to my profession." *The existence of such an officer as a Taxing Master appears to have been entirely forgotten by the writer of the article.*

If such a thing as charging a *client* with Sheriff's fees, or a sum equal to what a Sheriff's fee would be is entirely unknown to the profession, such a thing as charging a *defendant* with Sheriff's fees, or with a sum much larger than the Sheriff's fee would be, is not unknown to Mr. Rye, who, as it would appear from the receipted and taxed Bill of Costs in the cause *Watson vs. Servois*, which I hold in my hands, the Writ of Summons having been served by himself, he *charged* and *collected* \$2.73 more than his own legal fees. "*He seems to have entirely forgotten the existence of such an officer as a Taxing Master.*" Yes, good old Rye *charged* and *collected* \$2.73 more than his own legal fees. If the Sheriff had made the service his fees would have been \$1.80, therefore Rye pocketed \$1.80 that belonged to the Sheriff, and 93 cents that belonged to the litigant and not to the Attorney or Sheriff. Rye pocketed within 87 cents of a sum equal to *two* Sheriffs' fees in addition to his own. This is another example of the advantages to the public of having services made by the Attorneys!!!

During the debate on Mr. Sinclair's motion, one of the members arose and said, "I object to compelling people to serve Process through the Sheriff when the Attorney himself would serve them for *nothing*!!!—vide *Globe*, 11th Jan., 1877. Not many months after this declaration I obtained a *receipted* and *taxed* Bill of Costs in a cause in which the

Attorney who made the above declaration was plaintiff's Attorney, served the Writ of Summons himself, and *charged* and *collected* \$4.95 more than his own legal fee. And this is the man who would have the public believe such services were made for nothing. Had the Sheriff made the service his fee would have been \$1.80. The Attorney took \$4.95 over and above his own legal fees, being within 45 cents of a sum equal to *three* Sheriffs' fees in addition to his own; in other words he pocketed \$1.80 that belonged to the Sheriff and \$3.15 that belonged to the litigant, and not to the Attorney or any other. I followed up the men who had spoken and written in defence of Process-serving by Attorneys and failed to find *one* who, as in the cases I have cited, failed to charge and collect a sum equal to from *one* to *two* Sheriffs' fees in addition to their own.

Now let us, for the sake of argument, assume for a moment that the services are made for "*nothing*," and see how it could be defended. Both Lawyers and Sheriffs are paid by fees for the performance of certain duties, and from these fees it is assumed they will obtain a fair and reasonable income. To the Lawyers belong the duty of *issuing* all papers in the Superior and County Courts, for which a tariff of fees is provided that, so far as I know, is fair and satisfactory; but no tariff of fees or provision is made to pay them for serving them, for the makers of the law never intended they should perform that duty. To the Sheriffs was assigned the duty of *serving* all papers issued out of the Superior and County Courts requiring a personal service, for which the Judges (who framed the tariff of fees for both Lawyers and Sheriffs) made a fair and satisfactory tariff of fees for such services. The Sheriffs, of course, employed Bailiffs equipped with horses and conveyances to perform the duty assigned them; but alas! comparatively little of these duties fell to their lot; the Process-serving Attorney, by himself, his Clerk, Division Court Bailiff, or any other he could find, had the service effected outside the Sheriff's Office, while the Sheriff had his officer under pay and ready to perform the duty. Now, assuming that all the services were made for *nothing*, (which I have shown to be untrue, and of which I shall give further proof), was the Sheriff not as effectually

and completely (shall I say robbed) deprived of his legal fees and means of living as effectually as if the money were taken from his till, and as I shall now show, the public are suffering as well as the Sheriffs, as the following causes of which I hold the taxed and receipted Bills of Costs, all by Attorneys who either in their speeches on Mr. Sinclair's motion in the House or afterwards through the columns of the press, said that the services were made by the Attorneys themselves for "*nothing*," or to reduce the disbursements of the suit and save costs to the litigant. I invite the public to the list of taxed Bills of Costs of Attorneys who made these declarations, and ask if they made the services for nothing, or did they reduce the disbursements of the suit:—

NO.	COURT.	STYLE OF CAUSE.	AMOUNT CHARGED.		Amount Taxed off.
			\$ cts.		\$ cts
1	C. C.	Souter vs. Servois....	8 50	Att'y said Lawyers cannot charge for serving Writs and Subpoenas.	3 60
2	C. C.	Watson vs. Servois....	7 48	Att'y said charge would be a fraudulent charge, and he made it.	2 73
3	C. C.	Souter vs. Servois....	10 20	Att'y objected to compelling people to make services through the Sheriff, when Att'y would serve them for nothing.	5 45
4	C. C.	Smith vs. Mercer....	10 40	Att'y said the law was plain that no legal gentleman could charge for the service	5 15
5	C. C.	Thomson vs. Simpson	10 09		4 74
6	C. C.	Williams vs. Wood....	7 60		2 10
7	C. C.	Bishop vs. Douglas...	7 00	Att'y said if Lawyers made service it was at expense of Profession itself!!!	2 25
			\$61 27		\$26 02

It will be observed that the Attorneys in the seven foregoing causes in the County Court collected for themselves, over and above their own legal fees, the snug little sum of \$26.02, being 82 cents more than a sum equal to two Sheriffs' fees. Had the services been made by the Sheriffs, instead of by the seven Attorneys, their fees at \$1.80 each would have been \$12.60, and not \$26.02 as was collected by the Attorneys. Therefore, these Process-serving Attorneys who told the public they made the services for nothing to reduce the disbursements of the suit and save costs to the litigant, have done so, first, in the following fashion, viz: by pocketing \$12.60 that belonged to the Sheriff, and secondly, by pocketing \$13.42 that belonged to the unfortunate litigants, and ought not to have been taken from their

pockets by neither Sheriff or Lawyer. I think I have shown pretty clearly and conclusively that the services are not made for "*nothing*"!!! and I think *it is also as clearly proven that the services are not made "to keep down the disbursements of the suit and save costs to the litigant"*!!! But even if the services were made for nothing, and where too it cost the Attorney nothing to make them, it deprived (or should I say robbed) the Sheriff of the legal fees that belonged to him as completely and effectually as if the money were taken from his till, for while the Sheriff had his Bailiff under pay and ready to perform the duty, the Process-serving Attorney chose to have the service made outside of the Sheriff's office, under the false pretence as I have shown, of making the services for "*nothing, and save costs to the litigants, &c.,*" while as I have shown by the receipted and taxed Bills of Costs of the very men who made these declarations in speeches on the floor of Parliament and through the columns of the press, that they *charged, collected and pocketed* a sum larger than a sum equal to two Sheriffs' fees in addition to their own, like my good old friend Rye, who had entirely forgotten the existence of such an officer as a Taxing Master. The Process-serving Attorney in like manner seems to have entirely forgotten that his own tariff of fees are much larger than the Sheriffs, and that upon these he might draw and distribute his charities with a liberal hand without any great diminution to his income, and besides he would in his declining years have the consolation of knowing that he had used his own and not the Sheriff's money as he is now doing, as he says, "*to keep down the disbursements of the suit and save costs to the litigant*"!!! For the information of Process-serving Attorneys themselves, as well as for the public, I annex the Attorneys' tariff of fees for issuing, and the Sheriffs' for serving:—

ATTORNEY'S FEES FOR ISSUING.	SUP'R COURT.	COUNTY COURT.	SHERIFF'S FEES FOR SERVING.	SUP'R COURT.	COUNTY COURT.
	\$ cts.	\$ cts.		\$ cts.	\$ cts.
Instructions	3 00	2 00	Receiving and Filing...	0 25	0 10
Summons	2 00	1 00	Serving each Defendant	1 50	1 00
Special Endorsement	1 00	0 75	Drawing Affidavit.....	0 25	0 25
Copy of writ incl'g all notice	1 00	0 50	Commissioner	0 20	0 20
2 Notices allowed in C. Ct.	0 00	0 50	Return.....	0 50	0 25
	\$7 00	\$4 75		\$2 70	\$1 80

Having given the Attorneys' legal tariff of fees for *issuing* Writs of Summons in the Superior and County Courts, and the Sheriffs' legal tariff of fees for serving them, the public can readily see how much better the Process-serving Attorney himself could afford to deal out his charities with a liberal hand with his fees than the Sheriff could. The Process-serving Attorney might well, in order "to keep down the disbursements of the suit and save costs to the litigant," reduce his own fees to the full amount of the Sheriff's fees, which would save as much costs to the litigant as if the Sheriff's fees had been taken for that purpose, and the Process-serving Attorney would still have within \$1.70 of a sum equal to *two* Sheriffs' fees left to himself; this fact the Process-serving Attorney seems to have entirely overlooked or forgotten; it is to be hoped he will neither overlook or forget it in the future.

Before the close of the year 1877 I obtained the information asked for by Mr. Sinclair's motion on the 10th of January of the same year, but which the Legislature did not grant. The Return showed that in the preceding year, (1876), the number of Bills in Chancery and Writs of Summons issued out of the Superior and County Courts were as follows :—

Issued in Chancery Court.....	2,579
" Superior Court	6,556
" County Court... ..	11,245
Total Bills and Writs issued in 1876.....	20,380

Had the Sheriff served one copy of each, their fees, exclusive of mileage, would be as follows :—

Bills in Chancery, 2,579 @ \$2.25.....	\$ 2,802 75
Writs in Sup. Court, 6,556 @ 2.70.....	17,701 20
" County C., 11,241 @ 1.80.....	20,241 00
	\$43,744 95

Of the 20,380 Bills and Writs the Process-serving Attorneys served the following number :—

COUNTY COURT.
\$ cts.
0 10
1 00
0 25
0 20
0 25
\$1 80

In Court of Chancery, 1,291 @ \$2.25	\$2,904 75
In Superior Court, 3,511 @ 2.70.....	9,479 70
In County Court, 4,512 @ 1.80.....	8,121 60

The Process-serving Attorneys deprived the

Sheriffs of their fees.....\$20,506 05

We have shown by the receipted and taxed Bills of Costs of the Process-serving Attorneys that they charge and collect from the litigant a sum rather more than two Sheriffs' fees in addition to their own, therefore we must add as taken from the litigants..

20,506 05

Process-serving Attorneys pocketed this amount belonging to Sheriffs and litigants...

\$41,012 10

Of the \$43,744.94 to which the Sheriffs were entitled they only received \$23,238.90; the Process-serving Attorneys pocketed the balance of \$20,506.05, with, as their own receipted and taxed Bills of Cost prove, \$20,506.05 more from the litigants; a new and novel method, truly, of "keeping down the disbursements of the suit and saving costs to the litigants"!!!

Another Return was obtained last December, showing that from the 1st day of August, 1881, to the 1st of December, 1884, the number of Writs of Summons issued out of the three branches of the Superior Court, viz., Q. B., C. P. and Chancery, was 23,151, and also a Return from the 39 Sheriffs of Ontario, showing that of the 23,151 Writs of Summons issued within the time specified they only served 8,655, being only 938 more than *one-third* served by the Sheriffs, showing that the Process-serving Attorneys were rather increasing than decreasing the practice. Had only one copy of each of the 23,151 been served by the Sheriffs, their fees would have been, exclusive of mileage, as follows :—

Issued from the Superior Court 23,151 Writs @ \$2.70, \$62,507.70, which would have given each of the 39 Sheriffs in Ontario an average of \$1,602.76, but instead of getting that amount they only averaged \$606.11 each; having served only 8,655 of the 23,151, the Process-serving Attorneys having served 14,396.

From the issuing and serving the Attorneys received the following sums respectively :—

Attorneys received for issuing 23,151 Writs in Superior Court @ \$6.00.....	\$138,906 00
Attorneys received for serving 14,396 at Sheriffs' fees @ \$2.70.....	38,769 20
Attorneys received from litigants an addi- tional sum equal to Sheriffs' fees.....	38,769 20

Total received by Attorneys for issuing and
serving.....\$184,444 40

Of the 23,151 issued between the 1st August, 1881, and the 1st December, 1884, being three years and a third, the Sheriffs only served 8,655 @ \$2.70, \$23,638.50. This sum would give each of the 39 Sheriffs an average of \$606.11 for the three years and four months, being at the rate of \$181.80 per annum. Had the Sheriffs served all the 23,151 Writs, as the law intended, each of them would have had \$1,692.76 instead of \$606.11 as the services made gave them, and the public or litigants would have been saved, as I have shown, \$38,769.20, which neither Lawyer or Sheriff should have had, but such are the results from Process-serving by Attorneys.

I have so far only shown how the Process-serving Attorneys robbed the Sheriffs and the public. I shall now show how Sheriffs themselves were utilized for the same purpose by the Process-serving Attorneys. Shortly after I entered upon the duties of my office I observed that Fi. Fas. or Writs of Execution issued out of the same Court and frequently for nearly the same amount, had different amounts charged for the Fi. Fa. or Writ of Execution. I could not understand how such different amounts could be charged for what appeared to be work of the same kind and amount, and had almost come to the conclusion that each Attorney was left to the freedom of his own will to charge what he pleased, for the charges ranged from *five* to *fifteen* dollars. I went to the Taxing-Master and asked him if there was any fixed tariff of fees for the *issue* and *renewal* of Fi. Fas. or Writs of Execution, or could each man charge what he pleased. He said there was a fixed tariff for that as for other work,

and showed it to me. I determined to be governed by the legal tariff, and instructed my Bailiff and Officers to that effect. I had never robbed for myself, and could not see why I should rob for others. I was then told by some of the Attorneys they would not give me *their* papers to serve, and I must do them the justice to say they kept their promise. I have a vivid recollection of a Fi. Fa. or Writ of Execution in the County Court for \$200 being placed in my hands against an honest, hard-working man, who was doing his very best to pay it. I instructed my Bailiff to be as lenient with him as possible, and having noticed that I was commanded (that was the word) to collect \$10 for the Writ instead of \$2.25 which was the legal fee, I instructed my Bailiff at his peril not to collect a fraction more than the legal fee; he followed my instructions, the money was made, and a cheque sent to the Attorney the day following; and, would the public believe it, that he came to my office and in a most impertinent and offensive manner demanded an explanation why I had not collected the \$10 as he had ordered me—in other words, why did I not rob the unfortunate litigant of \$7.75 for the Attorney. I replied I had collected the legal fee, and I would do no more for him or any other. Well, he said, I shall give you no more papers, which rendered into plain English was saying, if you will not rob for me, I will rob you. I never felt so strongly tempted to give any man a seat on the toe of my boot as I did in the case of this impertinent puppy, but he took his departure and denied me the privilege. I made inquiries of other Sheriffs, and learned that the practice of making large and unlawful charges on Fi. Fas. or Writs of Execution was universal, and to be found in every Sheriff's office in Ontario. Many of them told me they knew the charges were exorbitant and unlawful, but said, what are we to do, we are at the mercy of the Attorneys, our incomes at best are small, and if we refuse to collect these over-charges they will give us no papers to serve, and will ruin us. No man could better than myself bear testimony (from sad experience) to the truth of that statement, and I came to the conclusion that for the time being we must, to use a common expression, "grin and bear it." I came to the conclusion that the best

way to bring the grievances of which the Sheriffs complained under the notice of the Government would be through an independent officer who would visit our offices, see how they were managed, give us advice and instruction, and hear our complaints. I suggested the appointment of an Inspector of Sheriffs' offices to the Attorney-General several times. I did not fully enter into the various reasons I had for the recommendation, but thought that a Sheriff who managed and worked his office honestly and properly would be pleased and encouraged to have the approval and testimony of an able, honest and efficient officer, such as I was confident the Attorney-General and his colleagues would appoint, while on the other hand if the Sheriff were inefficient, careless or dishonest, the public interests would be protected by the inspection and immediate report of such an officer to the Government. Immediately after making the suggestion I set to work with a view of ascertaining the amount that was wrongfully taken from litigants on over-charges on Writs of Execution; I received Returns from 18 Counties, showing that on 1,219 Writs of Execution in the Superior Court in the hands of the 18 Sheriffs on the day on which they made the Return there was an over-charge of \$8,778.72, being an average over-charge of \$7.20 on each one of the 1,219 Writs. In the County Court there were 3,692 Writs of Execution in the hands of the 18 Sheriffs at the same date on which the Superior Court Writs were returned, and on these there was an over-charge of \$20,766.02, being an over-charge of \$5.62 on each of the 3,692 Writs as seen below. Some time after the Returns which I herewith publish, carefully prepared copies were prepared, which I publish herewith. If Returns had been received from the 21 Sheriffs not heard from, I have no doubt the over-charge for the whole Province would be double the amount returned to me; say over-charge in Superior Court \$8,778.72, over-charge in County Court \$20,766.02, say double for Province \$59,088.48.

(GOODS AND LANDS)

SUPERIOR COURTS.

A Statement of Fi. Fa. Lands and Goods, issued out of the Superior Courts, in the hands of the Sheriffs of the eighteen Counties hereinafter named; showing the number of writs, the charge for writs, number of times renewed, amount charged for renewals, charge for writs and renewals, legal charge and overcharge on writs and renewals.

COUNTY.	No. of Writ.	Charged for Writ.	No. of times Renewed.	Charged for Renewals.	Total Charged for Writs and Renewals.	Legal Charges for Writs and Renewals.	Overcharge on Writs and Renewals.
		\$ cts.		\$ cts.	\$ cts.	\$ cts.	\$ cts.
Frontenac..... Lands,	39	520 00	26	308 00	828 00	286 00	542 00
"..... Goods,	50	538 00	16	183 44	721 44	295 60	425 84
Prince Edward..... Goods,	24	190 00	27	168 00	358 00	221 10	136 90
"..... Lands,	23	280 00	32	322 00	602 00	237 00	365 00
Wentworth..... Goods,	74	968 00	40	717 76	1,685 76	504 40	1,181 36
"..... Lands,	20	290 00	28	256 10	546 10	206 80	339 30
"..... Lands,	58	693 25	Not renewed		693 25	266 80	426 45
Huron..... Goods,	63	649 00	31	212 50	861 50	416 90	444 60
"..... Lands,		No Return	of lands	in Superior Court			made.
Renfrew..... Goods,	34	242 00	14	125 00	367 00	213 80	153 20
"..... Lands,	30	358 50	15	134 00	492 50	199 50	193 00
Lennox & Addington, Goods,	24	257 00	9	58 00	315 00	147 30	167 70
"..... Lands,	24	291 00	13	107 00	398 00	163 70	234 30
Lanark..... Goods,	32	349 79	16	40 00	389 79	212 80	176 99
"..... Lands,	29	663 80	31	110 50	774 30	260 50	513 80
Stormont, Dundas & Glengarry, Goods,	41	349 50	27	104 50	454 00	309 30	144 70
"..... Lands,	32	273 00	18	99 00	372 00	221 00	151 00
Grey..... Goods,	22	132 00	7	42 00	174 00	129 90	44 10
"..... Lands,	23	138 50	8	48 00	186 50	138 60	47 90
Norfolk..... Goods,	27	284 25	4	37 25	321 50	140 60	180 90
"..... Lands,	23	323 25	6	53 25	376 50	130 40	246 10
Prescott & Russell..... Goods,	16	£2 00	8	35 00	117 00	106 40	10 60
"..... Lands,	10	402 00	17	80 00	182 00	157 10	24 90
Leeds & Grenville..... Goods,	46	544 50	20	147 75	692 25	293 60	398 65
"..... Lands,		No Return	of lands	in Superior Court			made.
Elgin..... Goods,	30	164 00	10	49 00	213 00	179 00	34 00
"..... Lands,	28	147 50	20	100 00	247 50	210 80	36 70
Peel..... Goods,	25	190 50	23	127 50	318 00	209 30	108 70
"..... Lands,	36	346 70	47	473 88	820 58	385 30	435 28
Ontario..... Goods,	45	630 00	1	5 00	635 00	211 10	423 90
"..... Lands,	40	600 00	3	15 00	615 00	196 30	418 70
Perth..... Goods,	54	312 50	70	411 00	723 50	535 40	188 10
"..... Lands,	39	269 00	9	55 50	324 50	216 30	108 20
Essex..... Goods,	65	405 50	34	192 50	598 00	138 40	159 60
"..... Lands,	59	352 00	10	116 00	468 00	349 30	118 70
Haldimand..... Goods,	5	32 00	2	12 00	44 00	31 20	12 80
"..... Lands,	20	120 75	10	70 00	190 75	133 00	57 75
	1,219	12,089 79	661	5016 43	17,106 22	8327 50	8778 72

The average overcharge on each of the foregoing 1,219 "Fi. Fas." is \$7.20

ARCH. McKELLAR,

Hamilton, 1st Dec., 1884.

Sheriff County Wentworth.

(GOODS AND LANDS)

COUNTY COURTS.

A Statement of Fi. Fa. Lands and Goods, issued out of the County Courts, in the hands of the Sheriffs of the eighteen Counties hereinafter named; showing the number of writs, the charge for writs, number of times renewed, amount charged for renewals, charge for writs and renewals, legal charge and overcharge on writs and renewals.

COUNTY.	No. of Writ.	Charged for Writ.	No. of times Renewed	Charged for Renewals.	Total Charged for Writ and Renewals	Legal Charges for Writs and Renewals	Overcharge on Writs and Renewals.
		\$ cts		\$ cts	\$ cts	\$ cts	\$ cts
Haldimand Lands,	46	368 00	30	180 00	548 00	163 50	384 50
" Goods,	62	462 25	48	200 00	662 25	219 50	442 75
Prescott & Russell ... Lands,	80	278 25	48	117 70	395 95	276 00	119 95
" Goods,	70	231 25	14	38 00	269 25	185 50	83 75
Leeds & Grenville ... Goods,	139	897 00	21	90 64	987 64	354 75	632 90
Norfolk Lands,	53	529 85	12	75 50	605 35	143 25	462 10
" Goods,	76	573 10	17	66 00	639 10	205 00	434 10
Essex Lands,	122	601 00	53	225 00	826 00	330 50	495 50
" Goods,	81	369 50	9	38 00	407 50	200 25	207 25
Huron Lands,	150	900 00	15	69 50	969 50	367 50	602 00
" Goods,	267	1,852 15	116	625 16	2,477 31	832 75	1,644 56
Frontenac Lands,	111	930 00	19	147 00	1,137 00	287 75	849 25
" Goods,	121	671 00	18	92 70	763 70	308 25	455 45
Grey Lands,	197	931 00	30	293 00	1,224 00	503 25	720 75
" Goods,	130	621 00	36	179 00	800 00	304 50	495 50
Renfrew Lands,	82	785 70	45	173 50	959 20	274 50	684 70
" Goods,	94	601 35	41	149 00	750 35	293 50	456 85
Elgin Lands,	109	475 00	52	249 85	724 85	349 25	375 60
" Goods,	109	475 00	52	249 85	724 85	349 25	375 60
Stormont, Dundas, and Glengarry, Lands,	152	685 50	211	914 00	1,599 50	764 00	835 50
Wentworth Lands,	121	597 10	174	687 70	1,284 80	620 25	664 55
" Goods,	198	1,651 60	none	none	1,651 60	445 50	1,206 10
Innox & Addington, Lands,	127	1,401 37	159	1405 34	2,806 71	603 25	2,203 46
" Goods,	55	495 50	20	251 50	747 00	181 75	565 25
Perth Lands,	57	512 00	28	192 00	704 00	184 25	519 75
" Goods,	190	827 25	114	452 00	1,279 25	655 50	623 75
Peel Lands,	138	832 70	26	125 50	948 20	362 50	585 70
" Goods,	96	454 65	75	323 65	778 30	366 00	412 30
Ontario Lands,	77	516 25	23	82 50	598 75	219 25	379 50
" Goods,	150	1 321 00	9	55 00	1 576 00	355 50	1220 50
Lanark Lands,	Sent to Mr. Mo wat						
" Goods,	56	512 55	20	49 50	562 05	168 00	394 05
Prince Edward Lands,	54	324 20	10	24 50	348 70	141 50	207 20
" Goods,	61	561 00	69	439 50	1,000 50	275 50	725 25
" Goods,	61	376 00	67	305 35	681 35	271 25	410 10
	3 692	23,821 07	1682	8567 45	32,438 52	11672 50	20766 02

The average overcharge on each of the foregoing 3,692 "Fi. Fas." is \$5.62.

ARCH. McKELLAR,

Hamilton, 1st Dec., 1884.

Sheriff County Wentworth.

Sometime after the Returns were obtained (from which the foregoing tables showing the large amount of over-charges made on Writs of Execution by the Process-serving Attorneys, and as a rule collected by the Sheriffs, were received) the Government appointed a gentleman named John Winchester, Inspector of Offices. In the course of his inspection of Sheriffs' offices he soon discovered the extent to which this vile practice of collecting large sums of illegal fees from innocent defendants, through the Sheriffs' offices, was practiced, and I have great pleasure in bearing testimony to the prompt and fearless steps he adopted to put an end to a practice which might be characterized as robbing. He has done credit to himself as well as to the Government who appointed him; he has already saved sums equal to, if not much larger, than his own salary to the litigants over and over again, and has also given much valuable counsel and advice in the working of our offices. Now that this branch of the evil, of which both the Sheriffs and the litigants had just cause of complaint, has been satisfactorily settled, we go to the Judges of the Superior Courts of Ontario, confident that we have a good cause to lay before them, and equally confident that these able, just and upright Judges will do that which is just to the Sheriffs, the Attorneys and the public. The Sheriffs are only seeking the same protection that is given the officers of the Division Court; there no service is legal or valid unless made by its own officer. The Sheriffs or their officers have no such protection, as proven by about two hundred letters which I hold from Division Court Clerks and Bailiffs all over the Province, showing, that with one honourable exception, they are doing the Sheriffs' work, having given the names and addresses of many of the Attorneys for whom they make services, and all, excepting the one honourable Clerk already referred to are keen and anxious for more business. The name of the only Division Court Clerk or Bailiff who refused to have anything to do with the serving of papers which should be served by a Sheriff's Officer is C. Bariellier, Division Court Clerk at Belle River, County of Essex; he is a gentleman from old France, whose talents, education and character qualify and

fit him to occupy a much higher and more lucrative and responsible position than he now holds.

In conclusion I wish it to be distinctly understood that I have no complaint or cause of dispute with the members of the legal profession as a body, for in their ranks are to be found many of the ablest, most upright and honest men in the community, who use their talents and great legal attainments for the good of the country. No man has a higher appreciation of such men than myself. While I was in public life I did my best in an humble way to induce such men to enter public life, for I knew full well we could not do without them. I am happy to say that a number of the members of the legal profession, for whom I interested myself to induce them to enter public life, are still in public life, and the country could ill afford to lose their services. With such men I have no cause of complaint, for instead of depriving Sheriffs, or any other class of the community of their legal rights, they are ever ready to defend and assist to restore them. The class of which Sheriffs and others have cause to complain is a class of Lawyers who, unfortunately for the country, are growing up, and who rely more upon chicanery and intrigue than upon their legal knowledge to provide a living for themselves and their families. This is the class of small Attorneys who, in addition to their other duties, perform the duties of a Sheriff's Bailiff in the serving of Process, is the class of which the Sheriffs complain, a duty of which I have reason to believe they will shortly be relieved.

I now, in the last place, beg to call attention to a curious and unparalleled piece of Legislation to be found in the Ontario Statutes of 1882, 45 Vic., Ch. 11, page 24, entitled "An Act to make provision in regard to certain legal matters."

The greater part of this Act is taken up amending and bettering many items of the Sheriffs' schedule of fees, and those who have any knowledge of the matter know that such increase was much needed. The part of the Act to which I wish particularly to direct public attention is Sec. 14. That section provides that a Sheriff whose income does not exceed \$1,499.99 shall be entitled to the fees under the Act,

while any other Sheriff whose income is \$1,500, or *one cent* more than the first is not entitled to any of the fees under this Act. I leave the public in the meantime to work out the puzzle; if they fail, and I am living at the next Ontario Election and the said 14th Sec. not repealed, I shall give the public the key to it.

ARCH. McKELLAR,

Sheriff of Wentworth.

Hamilton, 24th February, 1885.

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